

## MEMO ENDORSED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

MICHAEL BRACKETT,

Defendant.

24 Civ. 2965 (ER)

Plaintiff is directed file a proposed order to show cause.

SO ORDERED.



Edgardo Ramos, U.S.D.J.  
Dated: March 31, 2025  
New York, New York

### NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declaration of Michael H. DiTrapani, dated March 27, 2025, and its exhibits, the supporting Memorandum of Law dated March 27, 2025, and all the pleadings and proceedings previously before this Court, Plaintiff Securities and Exchange Commission (“SEC” or “Commission”) moves, at a date and time to be determined by the Court, for the entry of judgment by default pursuant to 55(b)(2) of the Federal Rules of Civil Procedure and Local Rule 55.2 against Defendant Michael Brackett (“Brackett”):

- (a) Permanently enjoining Brackett from committing future violations of Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)];
- (b) Permanently enjoining Brackett from committing future violations of Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5];
- (c) Ordering Brackett to disgorge all ill-gotten gains he received directly or indirectly in the amount of \$330,786.48 pursuant to Exchange Act Sections 21(d)(5), and 21(d)(7) [15 U.S.C. §§ 78u(d)(5), and 78u(d)(7)] and prejudgment interest on it of \$82,316.56;

(d) Ordering Brackett to pay a civil penalty in the amount of \$236,451 pursuant to Securities Act Section 20(d) [15 U.S.C. § 77t(d)], Exchange Act Section 21(d)(3) [15 U.S.C. § 78u(d)(3)]; and

(e) Permanently prohibiting Brackett from serving as an officer or director of any company that has a class of securities registered under Exchange Act Section 12 [15 U.S.C. § 78l] or that is required to file reports under Exchange Act Section 15(d) [15 U.S.C. § 78o(d)], pursuant to Securities Act Section 20(e) [15 U.S.C. § 77t(e)] and Exchange Act Section 21(d)(2) [15 U.S.C. § 78u(d)(2)].

Dated: New York, New York  
March 27, 2025

Respectfully submitted,

By: s/ Todd D. Brody  
Todd D. Brody  
Attorney for Plaintiff  
Securities and Exchange Commission  
200 Vesey Street, Suite 400  
New York, New York 10281  
(212) 336-0080  
[brodyt@sec.gov](mailto:brodyt@sec.gov)